



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

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APPROVED

Board of Selectmen Meeting Minutes

Monday, May 13, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Karyn Puleo, Selectman Allen Curseaden, Selectman Corliss Lambert,

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday May 6, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the minutes of Monday May 6, 2013.

B. Executive Session Minutes for Approval but not Release

1. Monday May 6, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve but not release the executive session minutes of Monday May 6, 2013.

3. Citizen/Business Time – No one came forward this evening.

4. Old Business

A. Annual/Special Town Meeting Warrant – Review and Discuss Draft Articles

1. Planning Board: Zoning Bylaw and Street Acceptance Bylaw Amendment

There wasn't a Planning Board Member present to discuss some of the amendments to the Zoning By Laws. The Board did review and voted to recommend or not recommend the articles 26 – 31. Article 26 on the addition of pet grooming to the list, the Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Curseaden to recommend as printed. Article 27 on the modification of the accessory use for sheds, the Board voted 4-1-0 on a motion by Selectman Lambert, second by Selectman Curseaden to recommend as printed. Article 28 on the language change of a misprint changing the granting authority on restoration modifications, the Board will make a recommendation on the Town Meeting floor and the same for Article 29 on the decision criteria.

Article 30 for a language change to reduce the percentage on temporary living quarters, the Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend the article. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to place articles 27, 28, and 30 on the warrant to substitute the new wording. Article 31 is on the moratorium of medical marijuana facilities, the Board voted 5-0-0 on a motion to recommend as written.

2. Housing Authority: Red Pine Project

Selectman Lambert declared that he is a member of the Tyngsborough Housing Authority, whereas the articles was reviewed and voted on at the Monday May 6 meeting, Selectman Lambert may participate in this evenings discussion. Member representing the Authority present this evening were Mr. John Pelletier, Mr. Richard Deleo, and Melinda Thiede, Director. Mr. DeLeo presented the need for affordable family housing in Town. As is shown the waiting list there are 143 applicants, 22 of which are Tyngsborough residents. The Authority is asking for funds to assist them in building two duplexes at Red Pine Terrace. The Authority has approach the Community Preservation Committee for the funds that were put aside for use on building affordable housing. The CPC has placed an article on the Annual Town Meeting Warrant in hopes of securing the funds. The Authority showed the need for the housing. The Board thanked the Authority for coming in and doing the presentation.

3. Article 24: Bylaw Amendment

The Administrator informed the Board that the revised warrant can include revised language for the renumbered Article 23, if the Board is so inclined. Article 23 relates to the amendment of the Town By Laws limiting Selectmen from being paid town employees. After some discussion on the complexity of the article the Board voted 4-1-0 on a motion by Selectman Jackson, second by Selectman Lambert to remove article 23 from consideration at Town Meeting.

B. 11 Indian Lane – Status

The Board discussed 11 Indian Lane and included the Housing Authority in the discussions. The Federal Highway Administration cannot waive the fair market value requirement for the disposition of property associated with federally funded projects. The THA is willing to accept the house and they have in their budget to renovate the house if donated, they cannot expend monies to purchase the house. Selectman Curseaden interjected that he has spoken to Mass Dot this AM and was told that it was a possibility that the house will be donated. After a brief discussion the Board agrees to have the Town Administrator and Selectman Curseaden contact Mass Dot and have the answer by the next Selectmen's meeting.

C. Legislative Priorities – Status Update

The Administrator presented a revised letter of the Legislative Priorities for signature by the Board. The Administrator read the changes to the letter to include the Veterans Services in the Financial Matters portion of the letter and under the topic of other issues the paragraphs that relate to the construction staging at the intersection of Middlesex and Kendall Roads and to add the assistance to facilitate the lamination of the right turn on red from exit 34 South on Westford Road and the assistance re 11 Indian Lane. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to approve and send the letter as revised.

D. Cable Franchise Agreement – Status Update - Deferred to Monday June 3rd meeting.

E. Solid Waste / Recycling Contract – Status Update

The Administrator presented a request from Republic Service to change the trash pick-up date from Thursday to Monday. Other communities are enjoying the earlier in the week schedule. Selectman Lambert is interested in hearing all of the options and is interested in exploring ways to get the recycle totes without monies. The Board will discuss further at the next meeting.

F. Street Acceptance – Status Update

A question has come up on the procedures of the acceptance of roads. The road takings have not been properly recorded. The approval of Chapter 90 funds requires only a Town Meeting vote to place on a list. The Administrator will confer with Town Counsel on the next step needed.

5. New Business

A. Proposed Meeting Schedule – Review

The Board reviewed the new meeting schedule and voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to accept as presented.

B. Capital Asset Management Plan – Review

The Administrator with the Finance Coordinator/Treasurer presented the Capital Asset Management Plan to the Board. The Finance Coordinator/Treasurer reviewed the financial spread sheet. The Board discussed briefly and thanked the Committee for their hard work on putting the plan together.

C. Old Town Hall Project – Status Update

Selectman Reault gave a brief update on the projects; the slate for the roof is being repaired and replaced. The Old Town Hall Committee is working well and the project is moving along.

6. Citizen/Business Time – No one came forward this evening.

7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

A. Action

B. Informational

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence as read. The notice for the Memorial Day Parade was read.

8. Review of Weekly Warrants

The Administrator read the following warrants into the minutes Warrant #46S for \$148,774.78 on 5/13/2013; and Warrant #46B for \$66,137.22 on 5/13/2013.

9. Town Administrator's Reports

The Administrator gave a brief verbal report this evening and will provide a written report at the next meeting. The meeting for Conservation Commission and for the FinCom was announced. The GLRVTHS will meet on Tuesday. Selectman Reault read the Memorial Day Parade. The Administrator reported an activity that took place on the Hunter Property over the weekend, and the Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to send the letter as prepared by the Town Administrator to the party involved.

10. Selectmen's Reports

Selectwoman Puleo read the Hazardous Waste Day and the Library Book Sale schedule. Selectman Curseaden has met with Mass Dot, and the Deputy about the work being done at Middlesex and Kendall Roads; the MassDot is looking to do some paving on two nights so as not to disrupt the flow of the morning and evening commutes. Further discussion on the Street Lights on Chronopoulos Way and Sherburne Avenue and the discussion of a no left turn sign on Indian Lane, the Administrator and Selectman Curseaden will confer with the Highway Dept. Selectman Curseaden has also mentioned about the use of light traffic control at the Riverfront Park for the ease of entering and exiting the park. Selectman Lambert thanked the Administrator and the Assistants for putting together a complex package for each meeting.

11. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to enter into Executive Session to discuss for the following :

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief and Police Chief benefits
- B. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares –Mid-Managers Union
- C. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

and to exit executive session only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Allen Curseaden, yes; Selectman Corliss Lambert, yes.

The Board entered into Executive Session at 9:00 PM.

12. Adjournment

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting at 10:00 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday June 3, 2013

Board of Selectmen Correspondence - May 13, 2013

[illegible]